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IN THE HIGH COURT OF KARNATAKA AT BANGALORE  
DATED THIS THE 3RD DAY OF APRIL 1998

BEFORE

THE HON'BLE MR.JUSTICE B.K.SANGALAD

WRIT PETITION NO.11403/98

BETWEEN:

Polanna Reddy, K.  
S/o late Donappa,  
major, 2053, II Main,  
Modi Compound, MCC 'A' Block  
Davanagere.

PETITIONER

(By Sri Rajasekhar, Advocate )

AND


RTA,  
Davanagere, by its  
Secretary.

RESPONDENT

(By Sri M.B.Prabhakar, AM HCGP)

This writ petition filed under articles 226 and 227 of the Constitution of India praying to quash the condition imposed by the RTA while granting the renewal and to obtain the renewal endorsement which is not older ~~ex~~ than 10 years.

This writ petition coming on for preliminary hearing this day the Court made the following:



O R D E R

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The petitioner has filed an application for grant of renewal of the existing Stage Carriage Permit No.7/53 on 3-11-1997. The RTA after considering the application under the subject No.55/97-98 granted the renewal with the condition that the petitioner has to produce the documents of the vehicle which is not older than 10 years from the date of registration for obtaining the renewal endorsement. The copy of the order by RTA is at Annexure-A.

2. Learned counsel for the petitioner has submitted that the petitioner has been operating the vehicle without any complaint. But the authority without giving any opportunity under law has straight away imposed the condition which is highly improper and illegal.

3. Heard Sri M.B.Prabhakar, learned HCGP.

4. According to the petitioner the vehicle now operating is of 1983 model. As on today it is 15 years. The condition imposed



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by the RTA is that the vehicle should not be more than 10 years old. Now it is held by myself that it is not the model of the vehicle but the condition of the vehicle. Looking to the 1983 model, I do not think that the same benefit can be extended to this petitioner also. One can understand if the vehicle is aged 10 years or 11 years old. Since it is 15 years old the prayer of the petitioner cannot be granted. Moreover, the petitioner has not produced any fitness certificate in this case. Hence the writ petition is liable to be dismissed. Accordingly it is dismissed.

Sd/-  
JUDGE

akc/

